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APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,551	02/10/2004	Thomas R. Jones	JONT101CIP	5435
7590	05/16/2005		EXAMINER	
STEPHEN M. NIPPER PO BOX 877 BOISE, ID 83701-0877			BUSHEY, CHARLES S	
		ART UNIT	PAPER NUMBER	
		1724		

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

RW
MM

Office Action Summary	Application No.	Applicant(s)
	10/776,551	JONES, THOMAS R.
	Examiner	Art Unit
	Scott Bushey	1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: In paragraph [0001] applicant should update the status of parent application S.N. 10/138,186.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 6, 11, and 12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Williams (Fig. 1; col. 2, lines 2-18).
4. Claims 1, 3, 6, and 11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Fremd, Jr. (Fig. 1; page 1, col. 2, lines 7-21, 34-37, 43-47; page 2, col. 1, lines 5-14, 55-58).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 4, 7, 8, 10, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams taken together with Brown '582.

Williams (Fig. 1; col. 2, lines 2-18) substantially disclose applicant's invention as recited by instant claims 4, 7, 8, 10, and 13, except for a specific recitation that the apparatus taught thereby includes a preheater for preheating the fuel prior to contact with the gas.

Brown '582 (Fig. 1; col. 3, lines 17-20) teaches such a well known preheater. It would have been obvious for an artisan at the time of the invention, to provide the Williams carburetor with a fuel preheater, in view of Brown, since such is well known within the art to improve the efficiency of the gas-liquid contact process, as a warmed liquid is more readily vaporized by a gas coming into contact therewith.

7. Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams taken together with Fremd, Jr.

Williams (Fig. 1; col. 2, lines 2-18) substantially disclose applicant's invention as recited by instant claims 5 and 14, except for the specific tube diameters as recited by applicant.

Fremd, Jr. teaches that it would have been obvious to modify the air tube diameters to meet the requirements of the contact process. In view of such a teaching by Fremd, Jr., it would have been obvious for an artisan at the time of the invention, to modify the air tube diameters of Williams to any desired diameter, including those as recited by instant claims 5 and 14, such dimensions being dictated by the desired air/fuel conditions, uses and circumstances (note page 1, col. 2, lines 43-47 and page 2, col. 1, lines 5-14 of Fremd, Jr.).

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams and Brown '582 as applied to claim 7 above, and further in view of Fremd, Jr.

The primary reference combination as applied to claim 7 above substantially discloses or suggests applicant's invention as recited by instant claim 9, except for the specific tube diameters as recited by applicant.

Fremd, Jr. teaches that it would have been obvious to modify the air tube diameters to meet the requirements of the contact process. In view of such a teaching by Fremd, Jr., it would have been obvious for an artisan at the time of the invention, to modify the air tube diameters of the primary reference combination to any desired diameter, including those as recited by instant claim 9, such dimensions being dictated by the desired air/fuel conditions, uses and circumstances (note page 1, col. 2, lines 43-47 and page 2, col. 1, lines 5-14 of Fremd, Jr.).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. This is a CIP of applicant's earlier Application No. 10/138,186. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Bushey whose telephone number is 571 272-1153. The examiner can normally be reached on M-Th 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott Bushey
Primary Examiner
Art Unit 1724

csb
5-12-05


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